

REMARKS

In this amendment, no claims are cancelled and claim 31 is added. Accordingly, claims 5, 7-13, 15, 17, 21 and 23-31 are pending.

A personal interview was conducted in this case on April 15, 2010 between the undersigned, Examiner Victor Nguyen and Primary Examiner Michael Milano. The undersigned would like to thank Examiners Nguyen and Milano for their helpful comments and suggestions offered during the interview. During the interview, the applicability of U.S. Patent No. 2,387,428 (Brothers) and 6,899,720 (McMillan) to independent claims 5, 23 and 25 was discussed. The undersigned explained how claims 5, 23 and 25, as amended herein, overcome the present rejections. The examiners agreed that claims 5, 23 and 25, as amended, are distinct from the art of record as explained below and in view of the arguments presented in the March 1, 2010 amendment which are herein incorporated into this amendment by reference.

Claims 5, 21 and 23-25 were rejected under 35 U.S.C. § 102(b) as anticipated by Brothers and claims 23-25 were rejected under 35 U.S.C. §102(e) as anticipated by McMillan. These rejections are respectfully traversed.

CLAIM 5

As explained during the interview, claim 5 is not anticipated by Brothers because it fails to disclose the following limitation:

**“...a strap in communication with said handle, the strap being engaged with said base at a first point upstream from said handle and fixedly attached to said base at a second point downstream from said handle such that said handle is maintained in a position relative**

**to said substantially rigid base to reduce binding of said base when said handle is twisted.”**

Brothers discloses that cord 18 (defined by the Office Action as corresponding to the strap of claim 5) overlays strap 10 (defined by the Office Action as corresponding to the base recited in claim 5) but not that it is attached thereto. As disclosed, cord 18 is loosely held in association with strap 10 by guides 20. Cord 18 is free to slide relative to strap 10. Accordingly, because Brothers fails to disclose all of the limitations of claim 5, it was agreed that claim 5 is not anticipated by Brothers. Dependent claim 21 is likewise not anticipated by Brothers.

#### **CLAIMS 23 and 24**

As further explained during the interview, claims 23 and 24 include the following limitation which is not found in Brothers:

**a structural member having first and second sides, said structural member being fixedly attached to said base at least at first and second points along each of the first and second sides, said strap being sandwiched between at least portion of said structural member and said base to minimize twisting of said strap**

As explained during the interview, neither Brothers nor McMillan disclose a tourniquet including a structural member as defined in claim 23. The Office Action identifies element 20 of Brothers as corresponding to the claimed structural member. However, guide 20 is not fixedly attached to strap 10 at more than one point along the side of the structural member as required in claim 23. Therefore, it was agreed that Brothers does not anticipate claims 23 and dependent claim 24.

With respect to McMillan, the Office Action identifies element 39 as corresponding structure to the claimed structural member of claim 23. However, like guide 20 of Brothers, buckle handle tab 39 of McMillan connects to buckle 16 (which the Office Action equates to the base of claim 23) at only a single point on each side of buckle handle tab 39. Accordingly, it was agreed that claim 23 and dependent claim 24 are not anticipated by McMillan.

### **CLAIM 25**

As explained during the interview, claim 25 includes the following limitation that is not found in McMillan or Brothers:

**“a buckle connected to and disposed proximate and end portion of said substantially rigid base, said buckle being adapted to engage said strap to secure said tourniquet in a deployed arrangement.”**

As argued in the March 1, 2010, amendment and as raised during the interview, Brothers does not disclose a tourniquet article including a buckle as recited in claim 25. Although the Office Action identified guide 20 as a buckle in connection with the rejection of claim 21, guide 20 does not fasten items and therefore it cannot be a buckle. In any event, element 20 is disposed proximate an end portion of the base as required in claim 15. Accordingly, it was agreed that claim 25 is not anticipated by Brothers.

With respect to McMillan, the Office Action identified element 16 as corresponding to the base of claim 25 while McMillan identifies element 16 as a buckle. Under this reading of McMillan, it cannot disclose a buckle connected to and disposed

proximate an end portion of the base because the buckle and base are one in the same element. Accordingly, it was agreed that McMillan does not anticipate claim 25.

Because it was agreed that independent claims 5, 23 and 25 are allowable over Brothers and McMillan, claims 7-13, 15 and 17, each of which depends from one of claims 5, 23 and 25 are also allowable for the reasons articulated above.

As discussed during the interview, claim 31 was added to more completely define the invention. Claim 31 depends from claim 23 and is properly allowable for the same reasons as claim 23.

In view of the foregoing amendments and remarks, it is asserted that the application is in condition for allowance. Reconsideration of the rejection and a favorable action on the merits are respectfully requested.

Respectfully submitted,  
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